HONOURABLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No. 21229 OF 2001

DATED: 06-01-2006.

Between

K.Ranga Rao and anr …Petitioners

And

The Commissioner of Endowments, Tilak road, Hyderabad and ors.

…Respondents.

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ORDER:

The petitioners two in number, claiming to be the hereditary archakas of Sri Venugopala Swamy Temple and Sri Vesweswara Swamy Temple of Manchala, in Chebrole Mandal, Guntur district, have filed this Writ Petition questioning the proceedings in Rc.No.G2/466605/2001-47, dated 31-8-2001, of the Commissioner of Endowments, Andhra Pradesh.

It is the case of the petitioners, that they are in possession of the inam land to an extent of Ac.12.63 cents, in view of their hereditary right as archakas of the said temples. It is stated in the affidavit filed in support of the writ petition, that they are managing the affairs of the said temples by paying, salary to the Sweeper, land

revenue to the government, electricity charges etc., It is further stated that the said inam land is attached to the temples to burden with services being rendered to the temples, and, the petitioners are in continuous possession by discharging their duties; as such, they are entitle to continue in possession of the said land. It is stated, that the said temples are notified under Section 6-C of the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987. They have questioned the validity of the impugned order, mainly on the ground, that though they are entitle to continue in possession, as they are rendering services to the temples, but, however, the third respondent, who is appointed as Executive Officer of the temples, is taking steps to dispossess them from the land in question, in view of the instructions issued in the impugned order.

In the counter affidavit filed on behalf of the respondents, while admitting that the said temples were classified under Section 6 (c)(ii) of the Act 30 of 1987, but however, it is stated that pattadar pass books were issued in favour of the petitioners illegally, and, the department will take appropriate steps for cancellation of the pattadar passbooks. While admitting that the petitioners are enjoying the land by performing archakatwam service, but, however, it is stated, it is open for them to appoint suitable persons to manage the temples for better administration, to improve the finance of the temples and to take up renovation works. During the course of arguments, the learned Government Pleader has produced proceedings in Rc.No.L3/63873/2001, dated 04-12-2001, of the Commissioner of Endowments, wherein, instructions were issued not to disturb possession of the lands held by archakas till their cadre strength and pay scales are fixed. But, however, it is relevant to note that for the archakas in the temples notified under Section 6(c) of the Act, there were no instructions to that effect.

The petitioners cannot claim any hereditary right, as much as hereditary rights are already abolished in view the provisions under Act 30 of 1987. It is always open for the respondents to appoint Executive Officer or person-in-charge for managing the affairs of the temples. It is not open for the petitioners to question the very appointment of the third respondent under Section 29 (5)(d) of the Act to exercise powers of Executive Officer. However, in view of the circular instructions issued in proceedings in RC.No. L3/63873/2001, dated. 4-12-2001, I dispose of the Writ Petition directing the respondents not to dispossess the petitioners from the land in

question, pursuant to the impugned order. It is also made clear, that if the petitioners are to be evicted from the land in question, the respondents are directed to notify to the petitioners, and, provide opportunity to put-forth their objections, if any, and take steps by passing appropriate orders.

Subject to the above directions, the Writ Petition is disposed of. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATED: 06-01-2006.

Msnr